

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Aaron Carlson Corporation, Plaintiff, v. Neal Cohen; Darren Chaffee, CoBe Equities, LLC; CoBe Capital, LLC; LSI of America Holdings, LLC; LinCourt, LLC; Harvey Berk; CoBe Management, LLC; & Cocha Finance, LLC Defendants.	Case No. 19-cv-2828 (SRN/LIB) ORDER
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Aaron Carlson Corporation, Pro Se, Plaintiff.

Lauren Hoglund, Terrance J. Wagener, and Joseph W. Lawver, Messerli & Kramer P.A.,
100 South Fifth Street, Suite 1400, Minneapolis MN 55402, for Defendants.

SUSAN RICHARD NELSON, United States District Judge

This matter comes before the Court sua sponte in light of Magistrate Judge Brisbois’ Order dated June 3, 2020 (“June 3 Order”) [Doc. No. 38]), and Defendant Harvey Berk’s (“Berk”) and Defendants CoBe Equities, LLC, CoBe Capital, LLC, LinCourt, LLC, and Cocha Finance, LLC’s (collectively, the “Entities”) separate motions to dismiss Plaintiff’s amended complaint for lack of personal jurisdiction and failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) (“Defendants’ Motions to Dismiss”) [Doc. Nos. 14, 24]) .

Berk and the Entities filed their motions, respectively, on February 5, 2020, and March

26, 2020. [Doc. Nos. 14, 24.] Subsequently, on June 1, 2020, Plaintiff, jointly with its counsel, sought permission to withdraw the Schwartz Law Firm from representing Plaintiff in this matter. ((“Motion to Withdraw”) [Doc. No. 34].) On June 3, 2020, Magistrate Judge Brisbois granted the Motion to Withdraw and gave Plaintiff 30 days from the date of the Order to retain substitute counsel to make a formal appearance of record. (June 3 Order at 2.)

Presently, Judge Brisbois’ thirty-day deadline has expired, and no appearance has been filed by substitute counsel on behalf of Plaintiff. As Judge Brisbois noted in his Order, Plaintiff cannot proceed pro se in this action because it is a corporate entity. (*Id.* at 2 n.1) (citing *Carr Enters., Inc. v. United States*, 698 F.2d 952, 953 (8th Cir. 1983) (“It is well settled law that a corporation may be represented only by licensed counsel”); *S.E.C. v. Lawton*, No. 9-cv-368 (ADM/AJB), 2011 WL 1467742, at *1 (D. Minn. Apr. 18, 2011) *aff’d*, 449 F. App’x 555 (8th Cir. 2012)). Because Plaintiff has failed to retain new counsel, the Court will dismiss its claims against Defendants without prejudice. *See, e.g., Master Craft v. Stanley Works*, No. 04-cv-132 (JMR/JSM), 2006 WL 8438190, at *2 (D. Minn. Apr. 27, 2006) (noting that “failure to obtain licensed counsel may result in dismissal of [corporation’s] claims against defendants”) (internal quotation omitted).

Accordingly, the Court denies Defendants’ Motions to Dismiss as moot.

I. ORDER

Based on the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' Motions to Dismiss for lack of personal jurisdiction and failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(2) and 12(b)(6) [Doc. Nos. 14, 24] are **DENIED** as moot.
2. The case is dismissed **WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 7, 2020

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge